IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.781 OF 2006
IN
FIRST APPEAL NO.285 OF 2006

The New India Assurance Co.Ltd. .. Applicant
v/s.
Dr.Shridhar Shripad Karandikar and others .. Respondents.

Mr.A.S.Vidyarthi with Mr.S.S.Vidyarthi i/by Mr.S.M.Vidyarthi for the applicant.

Mr.M.G.Barve for the respondent Nos.1 and 2.

ALONGWITH

CIVIL APPLICATION NO.2358 OF 2006
IN
CIVIL APPLICATION NO.781 OF 2006
IN
FIRST APPEAL NO.285 OF 2006

Dr.Shridhar Shripad Karandikar and another .. Applicants
v/s.
Shri Mahadeo D.Dabade and another .. Respondents

Mr.M.G.Barve for the applicants.

Mr.A.S.Vidyarthi with Mr.S.S.Vidyarthi i/by Mr.S.M.Vidyarthi for the respondent No.2.

CORAM : R.M. LODHA &
A.S.BAGGA, JJ.

DATED : 12TH JUNE, 2006.

P.C.

The order shall dispose of both the applications.

2. We have already permitted the claimants to withdraw the

award amount in claim case No.137 of 2003 (first appeal No.282 of 2006) and therefore, presently, we are not inclined to permit the claimants to withdraw the amount of award deposited by the insurer-appellant in the present matter. In our view, interest of justice shall be subserved if the amount deposited by the insurer-appellant is ordered to be invested.

Hence the order:-

(i) The Tribunal shall invest the amount of award deposited by the insurer-appellant in the fixed deposit of any nationalised bank initially for a period of two years renewable thereafter for the same period each time until disposal of the appeal.

(iii) In case of grave emergency, the claimants-respondent Nos.1 and 2 shall be at liberty to apply for withdrawal of the amount.

Order accordingly.

(R.M.LODHA, J.)

(A.S.BAGGA, J.)